

Original URL: <http://www.jsonline.com/bym/news/oct05/359935.asp>

Green Tier creates collaborative regulation

Last Updated: Oct. 1, 2005

The state's scrap recyclers and builders will tie a bow on their pioneering efforts at collaborative regulation this week when they sign Green Tier agreements with the Wisconsin Department of Natural Resources.

These pacts constitute a water shed event in the state's long history of innovative regulation that stretches back to the La Follette era, when some of the first regulatory commissions in the United States were created.

The charter with the scrap recycling industry, which is being signed Monday, is believed to be the first such cooperative compliance agreement in the United States.

Also being signed later Monday in Appleton will be a charter agreement with the Wisconsin Builders Association Development Council.

Veridian Homes, the largest residential builder in Dane County, is expected to sign another compact with the DNR, the county, and the cities of Madison and Sun Prairie by the end of the month.

These agreements will be showcased in a bus tour Monday under the banner "Green and Growing."

The heart of the deals is that the industries agree to more ambitious environmental programs and goals in return for more flexible regulation.

In the case of the scrap companies, each of 71 facilities in the state will move to an environmental management system. They will accomplish that through a new corporation set up to provide the training and programs on the new system.

Best management practices will attack levels of mercury, lead, fluids and what's called shredder fluff. The scrap will be looked at as an asset rather than a waste.

In return, the industries will be able to satisfy storm water prevention requirements in a more flexible manner and will have a single point of contact with the DNR.

Green Tier companies that discover and report violations will be given time to correct the problem. It's called "deferred civil enforcement."

The builders will also get a single point of DNR contact and 90 days to fix reported problems.

In return, the builders have promised to do a better job with such issues as erosion on construction sites, post-construction storm water runoff, with green building techniques and siting.

It is important to repeat over and over that no standards are lowered for either industry.

The printing industry is working toward a similar charter and hopes to convince the department to allow eventually for self-regulation of some permits.

The printers would hire an independent auditor, as the builders and scrap industry have agreed to do.

The move beyond a prosecutorial approach to regulation to more collaboration will be good for the environment and for the state's business climate.

Many of the smaller players in an industry escape audits, simply because the DNR doesn't have enough manpower to visit them all.

For instance, only a couple of printers see an auditor in a given year under the current command and control system.

The giant step upward from the old model of regulation is a political miracle. Industry chafed under the heavy hand of the old bureaucratic methods and sought a less adversarial model for decades, with little success.

The stars have lined up in Madison to allow this change. Republican leaders who control the Legislature and Democratic Gov. Jim Doyle both support the streamlined Green Tier regulatory approach. Both agree that it is an inexpensive way to boost the state as a place to do business.

There has been the expected resistance from the ranks of the agency, but Secretary Scott Hassett appears to be wearing down the staffers who have a hard time giving up old ways. Some staffers have even become evangelists for Green Tier.

While the political stars are still lined up, other industries and individual companies need to move quickly to take full advantage of the Green Tier opportunity. My company is an applicant.

John Torinus is chief executive officer of Serigraph Inc. of West Bend. Contact him at torcolumn@serigraph.com.